

REMARKS

This is in response to the Office Action of October 14, 2009. With this amendment, claims 1-3 are amended, claims 6, 8 and 13-14 are canceled and all pending claims 1-3, 5, 7 and 9-12 and 15 are presented for reconsideration and favorable action.

The structural features of independent claim 1 differ from the structure of the cited document (US 6,290,727) in that the rim surface of the present invention comprises at least **four** portion, i.e., at least (i) an elevated portion; (ii) a non-elevated portion; and (iii, iv) transitional areas therebetween.

Starting from the present wording of claim 1, it can already be argued that the at least one elevated portion comprises at least one transitional area **at each end**, i.e., if there are two ends there are also two transitional areas.

In order to emphasize even more that there are at least four portions claimed in independent claim 1, the wording in claim 1 could be amended in that the connection of the transitional area to the elevated portion is set in plural, i.e., that it comprises an indication to multiple transitional areas.

Contrary to the present invention, cited document (US 6,290,727) only discloses **three** different portions. Thus, the subject-matter of independent claim 1 would be at least novel over the cited document.

With regard to inventive step, please note that there are considerable differences in the design of the acetabulum pan of the present invention and those of Link. The “Link-design” starts from a snap-in pan the rim of which has been chamfered in one portion and elevated in another portion. It appears that this arrangement is disadvantage and functionally unfavorable with regard to the range of motion (limitations in the range of motion and snap-in effects). In contrast, the present invention starts from a standard design of a hemispherical acetabulum pan, the rim of which has been elevated comprising the specific transitional areas. Due to the specific design of the transitional area and the elevated rim, any limitations in the range of motion at physiological movements are avoided.

Former independent claim 2 has been reworded into a dependent claim so that the elevated portion forms a third or less of the circumferential rim surface.

Originally filed dependent claim 3 has been amended in that the additional features of claims 6 and 8 as originally filed have been incorporated.

With regard to Figure 3 of US 6,290,727, the following disclosure in column 4, lines 41-47 is noted:

“In order to enable a placement of the articular head 8 in the bearing surface 2, the slanted edge has in the area of the third sector 7, a **cut-off edge 52** via which the articular head 8 can be inserted in the bearing surface 2. The cut-off edge 52 permits a considerable elevation of the third sector 7 relative to the inserted articular head 8.”

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue, or comment, including the Office Action's characterizations of the art, does not signify agreement with or concession of that rejection, issue, or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment or cancellation of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment or cancellation. Applicant reserves the right to prosecute the rejection claims in further prosecution of this or related applications.

In view of the above amendments and remarks, it is believed that the present application is in condition for allowance. Consideration and favorable action are respectfully requested.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

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